

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
ASHEVILLE DIVISION  
1:09-CV-296-GCM

DENISE ANDERSON MATHIS, )  
)  
Plaintiff, )  
)  
vs. )  
)  
TOWN OF WAYNESVILLE, NC )  
MICHAEL BONFOEY; JAMES )  
H. MOORE, JR.; and TYLER )  
TRANHAM )  
)  
DefendantS. )  
\_\_\_\_\_)

ORDER

This matter is before the Court upon the memorandum and recommendation of United States Magistrate Dennis Howell, filed December 4, 2009. The parties were advised that pursuant to 28 U.S.C. § 636(b)(1)(C), written objections to the memorandum and recommendation must be filed within 14 days after service of the memorandum, plus an additional three days under local rules. Plaintiff timely filed an objection, and Defendants timely filed a response.

After an independent and thorough review of the magistrate's memorandum, Plaintiff's objections thereto, Plaintiff's responses to the Motions to Dismiss, and Plaintiff's Complaint, the Court concludes that the recommendation to grant Defendants' Motions to Dismiss is correct and in accordance with law. The Court also took the further step of taking judicial notice of Ms. Mathis' arrest report—a public record—to ensure that her arrest occurred after she was indicted; thereby providing probable cause for her arrest. *See* Fed. R. Evid. 201. Accordingly, the findings and conclusions of the magistrate are accepted, and Defendants' Motions to Dismiss are

GRANTED.

IT IS THEREFORE ORDERED that the memorandum and recommendation of the  
magistrate is hereby AFFIRMED.

Signed: March 19, 2010

A handwritten signature in black ink, reading "Graham C. Mullen", written over a horizontal line.

Graham C. Mullen  
United States District Judge

